

Application No.: 10/529,704

AMENDMENTS TO THE DRAWINGS

The attached sheets of drawings include changes to Figs. 2A, 4A, 4B, 5A-5D, and 7.

These replacement sheets replace the original sheets including Figs. 2A, 4A, 4B, 5A-5D, and 7.

Attachment: Replacement Drawing Sheets

REMARKS

Introduction

In response to the Office Action dated February 23, 2007, Applicants have amended the specification, the drawings, and claims 1 and 8. Claims 1 and 8 have been amended to correct typographical errors. Claim 12 has been cancelled. In view of the foregoing amendments and the following remarks, Applicants respectfully submit that all pending claims are in condition for allowance.

Drawings

Figs. 2A, 2C, 4A, 4B, 5A-D, and 7 have been objected for failing to label the drawing as --Prior Art--. Figs. 2A, 4A, 4B, 5A-D, and 7 have been labeled --Prior Art--.

Fig. 2C is not "Prior Art" as it illustrates an exemplary embodiment of the present invention in comparison to a conventional device (see, e.g., Para. [0067] of the present application). Fig. 2C illustrates load sensors 101 and 601 each having a predetermined load applied thereto with plummet 41. Load sensor 101 is an exemplary embodiment of the present application (see, e.g., Paras. [0062] and [0064]). Thus, Fig. 2C is not "Prior Art."

Withdrawal of the foregoing objections is respectfully requested.

Claim Rejection Under 35 U.S.C. § 112

Claims 1-30 were rejected under 35 U.S.C. § 112, second paragraph for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office Action stated that the term "closer" recited in claims 1 and 22 is a relative

term, which renders the claim indefinite. This rejection is traversed, and reconsideration and withdrawal thereof respectfully requested.

Amended claim 1 recites, "...wherein a thermal expansion coefficient of the adjusting layer is closer to a thermal expansion coefficient of the strain-sensitive resistor element than to a thermal expansion coefficient of the glass layer."

The term "closer" in claim 1 compares the respective thermal expansion coefficients for the adjusting layer to the strain-sensitive resistor element as compared to the glass layer. The Examiner has improperly construed the claim by alleging that the term "closer" means the "same." The Examiner based the indefiniteness rejection on the improper assumption that the value of the thermal expansion coefficient is based only on the values for two layers.

Assuming *arguendo*, that the present application recited only two layers, then it would arguably be ambiguous how a single layer is closer to another layer without reciting a third layer for comparison. Claim 1 is directed to three layers as to provide sufficient reference to determine the relative value of the respective thermal expansion coefficients. As disclosed in the present specification, the thermal expansion coefficient of the adjusting layer is closer to the thermal expansion coefficient of the strain-sensitive resistor element than to the glass layer (*see*, Tables 1 and 2, Paras. [0072], [0074], [0103], and [0120]).

It is clear from the instant specification that the thermal expansion coefficient of the adjusting layer is closer to the thermal expansion coefficient of the strain-sensitive resistor element than to the thermal expansion coefficient of the glass layer. Applicants submit that the claims fully comport with the requirements of 35 U.S.C. § 112, second paragraph.

Claims 7 and 12 were rejected for being identical. Claim 12 has been canceled.

Claim Rejection Under 35 U.S.C. § 102

Claims 1-14, 16, 18, 22-26, and 30 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,867,886 (hereinafter Ratell). The Office Action states, “Ratell et al. shows a glass layer 28, 38 and...an adjusting layer 38 provided on the glass layer 28.” The Office Action asserts that the thermal expansion coefficient of the adjusting layer 38 is **about the same** as the thermal expansion coefficient of **both** the strain-sensitive resistor element 34 and the glass layer 28 in Ratell. Ratell fails to disclose the thermal expansion coefficient of the adjusting layer is different from the thermal expansion coefficient of the strain-sensitive resistor element or the thermal expansion coefficient of the glass layer. That is, in the present application, the thermal expansion coefficient of the adjusting layer is *closer* to the thermal expansion coefficient of the strain-sensitive resistor element than to the thermal expansion coefficient of the glass layer (*see*, Tables 1 and 2, Paras. [0072], [0074], [0103], and [0120]).

Accordingly, Ratell *teaches away* from “...wherein a thermal expansion coefficient of the adjusting layer is closer to a thermal expansion coefficient of the strain-sensitive resistor element than to a thermal expansion coefficient of the glass layer” as recited in claims 1 and 22.

As anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed, either expressly or inherently (noting that “inherency may not be established by probabilities or possibilities,” *Scaltech Inc. v. Retec/Tetra*, 178 F.3d 1378 (Fed. Cir. 1999)), in a single prior art reference, *Akzo N.V. v. U.S. Int’l Trade Commission*, 808 F.2d 1471 (Fed. Cir. 1986), based on the forgoing, it is submitted that Ratell does not anticipate claims 1 and 22 nor any claim dependent thereon.

Claim Rejection Under 35 U.S.C. § 103

Claims 15, 17, 19-21, and 27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ratell. Claims 15, 17, and 19-21 depend from claim 1 and claim 27 depends from claim 22 and include all of the features of that claim plus additional features, which are not taught or suggested by the cited reference. Therefore, for at least these reasons, it is respectfully submitted that claims 15, 17, 19-21, and 27 also patentably distinguish over the cited reference.

Allowable Subject Matter

Claims 28 and 29 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

In view of the above amendments and remarks, Applicants submit that this application should be allowed and the case passed to issue. If there are any questions regarding this Amendment or the application in general, a telephone call to the undersigned would be appreciated to expedite the prosecution of the application.

Application No.: 10/529,704

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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